

CITY OF FRANKLIN, OHIO
RESOLUTION 2022-35

OBJECTING TO A LIQUOR RETAIL PERMIT APPLICATION ON BEHALF OF THE CITY OF FRANKLIN, OHIO

WHEREAS, pursuant to Ohio Revised Code Chapter 4303, a property owner or establishment may not serve alcohol, or offer alcohol for sale, without first obtaining the necessary permit(s) for such service or sale from the Ohio Department of Commerce, Division of Liquor Control (the "Division of Liquor Control");

WHEREAS, pursuant to R.C. 4303.271 and 4303.292, the legislative authority of a municipal corporation in which a liquor permit premises is located may object to an original application for a liquor permit, or application for renewal of an existing liquor permit;

WHEREAS, the City of Franklin, Ohio received written notice from the Division of Liquor Control, attached as "Exhibit A" to this Resolution, that an application to acquire, or renew an existing, liquor permit (the "Permit Application") was received by the Division of Liquor Control with respect to premises within the City located at 931 E. Second Street, Franklin, Ohio 45005 (the "Premises");

WHEREAS, the City of Franklin Chief of Police presented evidence to the City of Franklin City Council, at a public Council meeting held on April 18, 2022, of various complaints, charges and activities occurring at the Premises, or perpetrated by the permit applicant or a partner, member, officer, director or manager of the applicant, in violation of applicable laws and regulations;

WHEREAS, documentation of the complaints, charges and activities presented to Council by the Police Chief is attached as "Exhibit B" to this Resolution;

WHEREAS, City Council has determined the evidence presented by the Police Chief constitutes lawful grounds to object to the Permit Application under R.C. 4303.271 and 4303.292; and

WHEREAS, City Council finds it necessary in order to preserve the health, safety and welfare of the residents of the City of Franklin to object to the Permit Application.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that:

Section 1. City Council hereby objects to the Permit Application based on Council's determination that the evidence presented to Council by the Police Chief demonstrates:

- (i) The permit applicant has been convicted of a crime that relates to fitness to operate a liquor establishment;
- (ii) The permit applicant has operated liquor permit businesses in a manner that demonstrates a disregard for applicable laws, regulations, or local ordinances; and
- (iii) The Premises are so located with respect to the neighborhood that substantial interference with public decency, sobriety, peace, or good order would result from granting the Permit Application.

Section 2. City Council hereby requests that the Division of Liquor Control hold a hearing on the Permit Application and Council's objection to the same.

Section 3. The Clerk of Council is hereby directed to forward a copy of this Resolution to the Division of Liquor Control, together with a statement from the City of Franklin Law Director stating the Law Director has reviewed this Resolution and, in the Law Director's opinion, the Resolution and objection herein are based on substantial legal grounds.

Section 4. The Law Director and City Manager are hereby authorized to represent City Council, designate other appropriate City staff to represent City Council, and designate citizens to appear as witnesses in support of Council's objection to the Permit Application at the hearing held by the Division of Liquor Control on this matter.

Section 5. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and Chapter 105 of the Codified Ordinances.

Section 6. This Resolution shall become effective immediately upon its passage.

ADOPTED: April 18, 2022

ATTEST: Khristi Dunn
Khristi Dunn, Clerk of Council

APPROVED: Brent Centers
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on April 18, 2022.

Khristi Dunn
Khristi Dunn, Clerk of Council



Department of Commerce

Division of Liquor Control

Mike DeWine, Governor
Sheryl Maxfield, Director

NOTICE TO LEGISLATIVE AUTHORITIES Objections to Renewal of a Liquor Permit

83-044

MARCH 16, 2022

CLERK OF FRANKLIN CITY COUNCIL
1 BENJAMIN FRANKLIN WAY
FRANKLIN OHIO 45005

Dear Clerk of Legislative Authority:

All Class C and D permits to sell alcoholic beverages at retail in your political subdivision will expire on **June 1, 2022**. In order to maintain permit privileges, every permit holder must file a renewal application with the Division.

Ohio Revised Code Section 4303.271(B) provides the legislative authority with the right to object to the renewal of a permit and to request a hearing. The hearing may be held in the county seat of the county in which the permit premises is located if that request is made in writing. This will be your only opportunity to object to the renewal of a liquor permit premises which might be a problem in your community.

In order to register a valid objection with the Division of Liquor Control and request a hearing, the legislative authority must pass a resolution that **specifies the problems at the liquor permit premises and the legal grounds for the objection as set forth in Ohio Revised Code Section 4303.292(A)**. It is suggested that a **separate resolution be passed for each permit premises**. The Chief Legal Officer of your political subdivision must also submit a statement with the resolution that, in the Chief Legal Officer's opinion, the objection is based upon substantial legal grounds within the meaning and intent of Ohio Revised Code Section 4303.292(A). **The resolution and Chief Legal Officer's statement must be addressed to the Division of Liquor Control, Attn: Legal Section, 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005 and postmarked no later than May 2, 2022.**

For your convenience, our website, www.com.ohio.gov/liqr, under "Local Government Resources" contains information on the objection process and other tools for dealing with problem permit locations.

You may wish to contact the law enforcement agency for your jurisdiction to determine if it has any information which will aid in your decision whether or not to object and request a hearing. For your convenience you may obtain a list of issued permit holders in your jurisdiction from our website under "What are you looking for" and clicking on "Searchable Liquor Control Information" Click on "find information on Liquor Permit Holders". Select type and statuses and enter the search criteria for your county / city / township to bring up the issued permits in your location.

If you determine that there are no permit premises within your jurisdiction that you wish to object to, you do not need to take any action. The renewal applications for those premises will be submitted by the permit holders and will be processed by the Division and issued as appropriate.

If you have any questions, please contact the Legal Section at liquorlegal@com.state.oh.us.

Sincerely,

Licensing Section

400 Anderson St
Franklin, Ohio 45005
937-746-2882/ Fax 937-743-7750

Chief of Police
Adam Colon
Acolon@franklinohio.org



Division of Police

DATE: April 15, 2022

SUBJECT: Underage Alcohol Sales Violations

931 E. 2nd Street (Sunoco)

Multiple citizen calls to dispatch in reference to parents calling about their children purchasing alcohol at this location. Dispatch received complaints on:

- 8/18/2020
- 7/25/2021
- 12/23/2021

This location was also cited by the Ohio Investigative Unit for underage sales violation multiple times.

- 8/21/2020, Employee Kiran Babulal Parekh sold to an underage person. Diversion granted by Franklin Municipal Court on 9/25/20
- 8/06/2021, Employee Kiran Babulal Parekh sold to an underage person. Plead to M-4 Disorderly Conduct, original charge M-1 Sale to Underage Person, in Franklin Municipal Court on 9/25/20
- 8/27/2021, Employee Alexandria Witt sold to an underage person. Convicted of M-1 Sale to Underage Person in Franklin Municipal Court on 10/12/21
- 04/08/2022, Employee Ajay Ergalta sold to an underage person. Cited for M-1 Sale to Underage Person.

1111 William Good Blvd (Marathon)

- 1/15/2021, Employee Nirmal Singh sold to an underage person. Convicted of M-1 Sale to Underage Person in Franklin Municipal Court on 05/07/21.
- 8/6/2021, Employee Nirmal Singh sold to an underage person. Convicted of M-1 Sale to Underage Person in Franklin Municipal Court on 09/14/21.

- 4/8/2022, Employee Nirmal Singh sold to an underage person. This incident involved multiple juveniles caught on premises in possession of alcohol recently purchased or actively buying at the store.

Respectfully Submitted,

Adam Colon
Chief of Police
Franklin Division of Police

20-09-CRB-3747 State of Ohio vs. BABULAL, KIRAN CF RWR

- Case Type:
 - Criminal
- Case Status:
 - Closed
- File Date:
 - 09/03/2020
- DCM Track:
- Action:
 - Sale to Underage Person
- Status Date:
 - 06/08/2021
- Case Judge:
 - Ruppert, Ronald W
- Next Event:

All Information Party Charge Ticket/Citation # Event Disposition Financial Receipt

Party Charge Information

- BABULAL, KIRAN
- - Defendant
- Charge # 1:
 - 4301.69(A) - Misdemeanor 1st Degree Sale to Underage Person

- Amended Charge
- DV Related?
- Modifiers
- Stage Date

- ATN #
- Tracking #
- Date of Offense
- 08/21/2020

Party Charge Disposition

Disposition Date
Disposition
06/08/2021
Dismissal

[Sentencing Information](#)

20-09-CRB-3747 State of Ohio vs. BABULAL, KIRAN CF RWR

- Case Type:
 - Criminal
- Case Status:
 - Closed
- File Date:
 - 09/03/2020
- DCM Track:
 -
- Action:
 - Sale to Underage Person
- Status Date:
 - 06/08/2021
- Case Judge:
 - Ruppert, Ronald W
- Next Event:
 -

All Information | Party | Charge | Ticket/Citation # | Event | Disposition | Financial | Receipt

Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Transfer (Not Guilty)	09/04/2020	Ruppert, Ronald W
DIVERSION Individual Report	09/25/2020	Ruppert, Ronald W
Other Dismissals Individual report	06/08/2021	Ruppert, Ronald W

21-08-CRB-3917 State of Ohio vs. PAREKH, KIRAN B CF RWR

- Case Type:
• Criminal
- Case Status:
• Closed
- File Date:
• 08/09/2021
- DCM Track:
- Action:
• Sale to Underage Person
- Status Date:
• 08/12/2021
- Case Judge:
• Ruppert, Ronald W
- Next Event:

All Information Party Charge Ticket/Citation # Event Disposition Financial Receipt

Party Charge Information

- PAREKH, KIRAN B
- - Defendant
- Charge # 1:
• 509.03 - Misdemeanor 4th Degree Disorderly Conduct

- Amended Charge
- 509.03 Disorderly Conduct (Misdemeanor 4th Degree)
- DV Related?
- Modifiers
- Stage Date

- ATN #
- Tracking #
- Date of Offense
• 08/06/2021

Party Charge Disposition

Disposition Date
Disposition
08/20/2021
Guilty or No Contest Plea to Reduce Charge

[Sentencing Information](#)

Party Charge Disposition

Disposition Date

Disposition

10/12/2021

Guilty or No Contest Plea to Original Charge

Sentencing Information

21-09-CRB-4286 State of Ohio vs. WITT, ALEXANDRIA WC RWR

- Case Type:
• Criminal
- Case Status:
• Registration Block
- File Date:
• 09/03/2021
- DCM Track:
- Action:
• Sale to Underage Person
- Status Date:
• 09/03/2021
- Case Judge:
• Ruppert, Ronald W
- Next Event:

All Information Party Charge Ticket/Citation # Event Disposition Financial

Party Charge Information

- WITT, ALEXANDRIA
- - Defendant
- Charge # 1:
• 4301.69(A) - Misdemeanor 1st Degree Sale to Underage Person

- Amended Charge
- DV Related?
- Modifiers
- Stage Date

- ATN #
- Tracking #
- Date of Offense
• 08/27/2021

Party Charge Disposition

Disposition Date
Disposition
10/12/2021
Guilty or No Contest Plea to Original Charge

[Sentencing Information](#)

- WITT, ALEXANDRIA
- - Defendant
- Charge # 2:
• 2921.31 - Misdemeanor 2nd Degree Obstructing Official Business

- Amended Charge
- DV Related?
- Modifiers
- Stage Date

- ATN #
- Tracking #
- Date of Offense
• 08/27/2021